

**FILED**

NOV 18 2016

**In the Iowa Supreme Court**

**In the Matter of Adopting** )  
**Amendments to the Iowa Rules of** )  
**Appellate Procedure and Rule 31.15** )  
**of the Iowa Court Rules** )

CLERK SUPREME COURT

**Order**

The Iowa Supreme Court adopts amendments to the Iowa Rules of Appellate Procedure, contained in chapter 6 of the Iowa Court Rules, and to rule 31.15 addressing appellate practice of law students and recent law graduates. By separate contemporaneous order, the court is also adopting revisions to criminal procedure rules 2.29 and 2.30 concerning an attorney's duty of continuing representation and matters of withdrawal from representation in criminal matters.

The court has submitted these proposed amendments for public comment on two separate occasions. Public comment on proposed court rule changes is an important part of the court's rulemaking process, providing valuable insight from practitioners that assists the court in drafting and implementing clear and concise rules. The court again thanks those individuals and associations that take time away from busy schedules to submit helpful comments.

As noted in the previous orders requesting public comment on these rules, the changes to chapter 6 are widespread, with a primary aim of assimilating into the chapter rules of electronic filing that affect appellate practice. For the convenience of practitioners appearing in our appellate courts, the court iterates here a summary of some of the changes to the rules:

1. The prior rules require a filer to serve every document filed. Under the electronic document management system (EDMS), the system automatically serves registered users. Because EDMS changes this dynamic, the amended

rules only require a filer to serve the court reporter, the attorney general in a certified question case, prisoners, and other persons required to be served under the Iowa Rules of Appellate Procedure when the EDMS system will not serve that person automatically upon filing. *See* rules 6.701, .702; *see also, e.g.*, rules 6.102(1)(a)(2), .102(2)(b), .104(1)(c), .106(1)(c), and .107(1)(c).

2. The prior rules require a filer to file and serve multiple copies of documents. The amended rules abandon the requirement that parties file and serve multiple copies. *See, e.g.*, rules 6.201(1)(b), .202(2), and .901(8).

3. Rule 6.110 clarifies a filing party's responsibility in handling protected information and confidential materials. The amended rules require separate appendices for confidential information. *See* rules 6.110(2)(c) and .905(14).

4. Rule 6.201(2) bars a party from joining another party's petition on appeal.

5. Rule 6.803(2)(g) requires electronic transcripts to be searchable.

6. Rule 6.803(2)(f) no longer allows condensed transcripts.

7. Rules 6.903 and 6.905 clarify that electronically filed appellate briefs and appendices should have white covers with consecutive page numbering in Arabic numerals beginning with the cover page and including any blank pages. The maximum printing cost per page is reduced from \$4.00 to \$1.00.

8. Rule 6.904(2)(a) removes the requirement to use L. Ed. cites.

9. Rule 6.904(5) allows hyperlinks.

10. Rule 6.906 changes the time a party has to file an amicus brief to seven days after the party the amicus supports files its brief. The rule also requires a certification in amicus briefs as to who funded the preparation or submission of the amicus brief.

11. Rule 6.1005 bolsters citation requirements when an attorney files a motion to withdraw claiming the appeal is frivolous.

12. Rule 6.1103 clarifies the responsibility of complete and accurate citation to the record in applications for further review. The rule also references a proposed new form 10 in rule 6.1401—a certificate of compliance for applications for further review.

13. Rule 6.1202 provides penalties for failure to respond to appellate court orders.

14. Rule 6.1208(1)(b) adds a 21-day delay in the issuance of the procedendo if the court denies a petition for rehearing and amends the decision.

15. Finally, rule 31.15 requires that students presenting oral argument to an appellate court must file an appearance in the case no less than seven days prior to the argument.

The amendments include changes to rules 6.102 and 6.104, which pursuant to Iowa Code section 602.4202 are subject to Iowa Legislative Council review.

The amendments to the Iowa Rules of Appellate Procedure and to court rule 31.15 provided with this order will be effective beginning March 1, 2017.

Dated this 18th day of November, 2016.

The Iowa Supreme Court

By Mark S. Cady  
Mark S. Cady, Chief Justice

Copies to:

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- ✓ Iowa Court of Appeals
- ✓ Chief Judges
- ✓ Senior Judges
- ✓ District Court Judges
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- ✓ Iowa Defense Counsel Association
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**Chapter 6**  
**Rules of Appellate Procedure**  
**Division I**

Case Initiation: Civil and Criminal; Parties and Attorneys;  
Protected Information; and Confidential Materials

**Rule 6.100 Mandatory use of electronic document management system (EDMS) for appellate cases.**

**6.100(1) Mandatory electronic filing.** All attorneys authorized to practice law in Iowa, all attorneys admitted pro hac vice, see Iowa Ct. R. 31.14, and all self-represented litigants must register under Iowa R. Elec. P. 16.304(1) to participate in EDMS. If an attorney or self-represented litigant has previously registered to participate at the district or appellate court level, then no additional registration is required. As provided in this chapter, registered filers must electronically submit all documents to be filed with the court unless otherwise required or authorized by these rules.

**6.100(2) Applicability of divisions I through VI of the Iowa Rules of Electronic Procedure.** Except for Iowa Rs. Elec. P. 16.101, 16.301, 16.302(2), and 16.303(4), the rules pertaining to the use of EDMS found in divisions I through VI of chapter 16, including rules pertaining to the protection of personal privacy, apply in appellate court cases.

**6.100(3) Exemptions.**

**a. Good cause.** For good cause, the clerk of the supreme court or the clerk's deputy may authorize a filer to submit a document by nonelectronic means to the clerk for filing. Upon a motion showing that

exceptional circumstances make it unreasonable for a party to file documents electronically, the supreme court may exempt the party from electronic filing for purposes of the party's case on appeal. If a district court exempted a party from electronic filing in the underlying action, see Iowa R. Elec. P. 16.302(2), a copy of the district court order granting the exemption must be attached to the party's request to be excused from electronic filing requirements for the case on appeal.

*b. Abortion notification appeals.* Abortion notification appeals may be filed electronically or nonelectronically.

*c. Nonelectronic filings by certain confined persons.* A party who is confined pursuant to governmental authority, including but not limited to a person who is incarcerated or civilly committed, is excused from registering to file electronically.

*d. Paper case files.* Except as otherwise provided by court rules, see, e.g., Iowa R. Elec. P. 16.313(1), or as the supreme court directs, the clerk will not maintain paper case files in appeals initiated on or after the initiation of electronic filing in the appellate courts.

**Rule 6.102 Initiation of appeal from a final judgment.**

**6.102(1)** *From final orders in termination-of-parental-rights and child-in-need-of-assistance cases under Iowa Code chapter 232.*

*a. Notice of appeal.* An appeal from a final order or judgment in a termination-of-parental-rights or a child-in-need-of-assistance case under Iowa Code chapter 232 is initiated by filing the notice of appeal with the clerk of the district court where the order or judgment was entered within the time provided in rule 6.101(1)(a). The notice of appeal cannot be filed unless signed by both the appellant's counsel

and the appellant. The notice of appeal must follow the requirements of Iowa R. Elec. P. 16.305(5)(c)(1) for filing documents containing two or more signatures. The appellant's signature must be an original or an unaltered digitized signature. See Iowa R. Elec. P. 16.201(35). An informational copy of the notice of appeal must be filed electronically with the clerk of the supreme court.

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(2) ~~Service~~ Special service of the notice of appeal. ~~A copy of the~~ The notice of appeal ~~shall~~ must be served upon ~~all counsel of record, all parties not represented by counsel,~~ any court reporter who reported a proceeding that is the subject of the appeal in the manner stated in rule 6.702(4), the attorney general, and the clerk of the supreme court and upon the attorney general in the manner stated in Iowa R. Civ. P. 1.442(2). The notice of appeal ~~shall~~ must include a certificate of service in the form provided in Iowa R. Civ. P. 1.442(7).

**6.102(2)** *From final orders appealable as a matter of right in all other cases.*

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b. ~~Service~~ Special service of the notice of appeal. ~~A copy of the~~ The notice of appeal ~~shall~~ must be served upon ~~all counsel of record, all parties not represented by counsel,~~ any court reporter who reported a proceeding that is the subject of the appeal, ~~and the clerk of the supreme court~~ in the manner stated in ~~Iowa R. Civ. P. 1.442(2)~~ rule 6.702(3). If the State is a party to the case, ~~a copy of the~~ notice of appeal ~~shall~~ must also be served upon the attorney general in the manner stated in Iowa R. Civ. P. 1.442(2). The notice of appeal ~~shall~~ must include a certificate of service in the form provided in Iowa R. Civ.

P. 1.442(7).

**Rule 6.104 Review of interlocutory rulings or orders.**

**6.104(1)** *Application for interlocutory appeal.*

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*b. Time for filing.*

(1) Termination-of-parental-rights and child-in-need-of-assistance cases under Iowa Code chapter 232. An application for interlocutory appeal in an Iowa Code chapter 232 termination-of-parental-rights or a child-in-need-of-assistance case must be filed within 15 days after entry of the challenged ruling or order. However, if a motion is timely filed under Iowa R. Civ. P. 1.904(2), the application must be filed within 15 days after the filing of the ruling on such motion. The application for interlocutory appeal cannot be filed unless signed by both the applicant's counsel and the applicant. An application for interlocutory appeal must follow the requirements of Iowa R. Elec. P. 16.305(5)(c)(1) for filing documents containing two or more signatures. The appellant's signature must be an original or an unaltered digitized signature. See Iowa R. Elec. P. 16.201(35). If the application is granted, the appellant must file a petition on appeal as set forth in rule 6.201(1)(b). The failure to file a timely petition on appeal will result in the dismissal of the appeal.

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(3) Extensions of time. No extension of the filing deadlines in this rule will be allowed except upon a showing that the failure to file the application within the time provided was due to a failure of the clerk of

the district court to notify the applicant of the ruling or order. A motion for an extension of time must be filed with the clerk of the supreme court and ~~served on all parties and~~ a courtesy copy filed with the clerk of the district court no later than 60 days after the expiration of the time for filing an application for interlocutory appeal. The motion and any resistance ~~shall~~ must be supported by copies of relevant portions of the record and by affidavits. An extension granted under this rule shall not exceed 30 days after the date of the order granting the motion.

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*c. ~~Filing and serving application.~~ Special service of the application.* ~~The original application and three copies shall be filed with the clerk of the supreme court. The application shall~~ must be served as provided in rule 6.701 upon all counsel of record, all parties not represented by counsel, and the attorney general if the State is a party in the manner stated in Iowa R. Civ. P. 1.442(2).

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**6.104(3)** *Procedure after order granting application.* The clerk of the supreme court ~~shall~~ will promptly transmit a copy of the order granting the interlocutory appeal to all counsel of record, all parties not represented by counsel, the clerk of the district court, and the attorney general if the State is a party. The appellant ~~shall~~ must file and serve the combined certificate required by rule 6.804(1) within 14 days after the filing date of the order granting the interlocutory appeal. See rule 6.702(4). Further proceedings ~~shall~~ will be had pursuant to the rules of appellate procedure.

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**Rule 6.106 Discretionary review.**

**6.106(1) Application for discretionary review.**

a. *Applicability.* An application for discretionary review may be filed with the clerk of the supreme court to review certain orders specified by statute which are not subject to appeal as a matter of right.

b. *Time for filing.* An application for discretionary review must be filed within 30 days after entry of the challenged ruling, order, or judgment of the district court. However, if a motion is timely filed under Iowa R. Civ. P. 1.904(2), the application must be filed within 30 days after the filing of the ruling on such motion. No extension of such time will be allowed except upon a showing that the failure to file the application within the time provided was due to a failure of the district court clerk to notify the applicant of the ruling, order, or judgment. A motion for an extension of time must be filed with the clerk of the supreme court and ~~served on all parties and~~ a courtesy copy filed with the clerk of the district court no later than 60 days after the expiration of the time for filing an application for discretionary review. The motion and any resistance ~~shall~~ must be supported by copies of relevant portions of the record and by affidavits. An extension granted under this rule shall not exceed 30 days after the date of the order granting the motion.

c. ~~*Filing and serving application.*~~ *Special service of the application.* ~~The original application and three copies shall be filed with the clerk of the supreme court. The application shall~~ must ~~be served as provided in rule 6.701 upon all counsel of record, all parties not represented by counsel, and the attorney general if the State is a party~~ in the manner stated in Iowa R. Civ. P. 1.442(2).

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**6.106(3) Procedure after order granting application.** The clerk of the supreme court shall promptly transmit a copy of the order granting discretionary review to the attorneys of record, any parties not represented by counsel, the clerk of the district court, and the attorney general if the State is a party. The appellant ~~shall~~must file and serve the combined certificate required by rule 6.804(1) within 14 days after the filing date of the order granting discretionary review. See rule 6.702(4). Further proceedings shall be had pursuant to the rules of appellate procedure.

**Rule 6.107 Original certiorari proceedings.**

**6.107(1) Petition for writ of certiorari.**

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*b. Time for filing.* A petition for writ of certiorari must be filed within 30 days after the challenged decision. However, if a motion is timely filed under Iowa R. Civ. P. 1.904(2) or Iowa R. Civ. P. 1.1007, the petition must be filed within 30 days after the filing of the ruling on such motion. No extension of such time may be allowed except upon a showing that the failure to file the petition within the time provided was due to a failure of the district court clerk to notify the plaintiff of the challenged decision. A motion for an extension of time must be filed with the clerk of the supreme court and ~~served on all parties and a~~ courtesy copy filed with the clerk of the district court no later than 60 days after the expiration of the time for filing a petition for writ of certiorari. The motion and any resistance ~~shall~~must be supported by copies of relevant portions of the record and by affidavits. An extension

granted under this rule shall not exceed 30 days after the date of the order granting the motion.

~~c.—*Filing and serving petition.* *Special service of the petition.*—The original petition and three copies shall be filed with the clerk of the supreme court. The petition shall must be served as provided in rule 6.701 upon all counsel of record, all parties not represented by counsel, the clerk of the district court, and the attorney general if the State is a party in the manner stated in Iowa R. Civ. P. 1.442(2).~~

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**6.107(4)** *Procedure after order granting petition.* The plaintiff ~~shall~~ must file and serve the combined certificate required by rule 6.804(1) within 14 days after the filing date of the order granting the petition. See rule 6.702(4). Further proceedings shall be had pursuant to the rules of appellate procedure. The appellate rules applicable to appellants shall apply to plaintiffs and those applicable to appellees shall apply to defendants.

**6.107(5)** *Representation of district court.* Parties before the district court other than the certiorari plaintiff shall be required to defend the district court and make all filings required of the defendant under these rules unless permitted to withdraw by the supreme court. A party required to defend the district court under this rule may file an application to withdraw stating (1) whether the applicant raised the issue addressed in the challenged decision in the district court, (2) the interest or lack of interest of the applicant in the challenged decision, and (3) the grounds justifying withdrawal. The application to withdraw ~~shall~~ must be served on all parties, the district court, by filing the application with the clerk of the district court and on the attorney

general in the manner stated in Iowa R. Civ. P. 1.442(2).

**Rule 6.108 Form of review.** If any case is initiated by a notice of appeal, an application for interlocutory appeal, an application for discretionary review, or a petition for writ of certiorari and the appellate court determines another form of review was the proper one, the case shall not be dismissed, but shall proceed as though the proper form of review had been requested. The court may treat the ~~papers~~ documents upon which the action was initiated as seeking the proper form of review and, in appropriate cases, may order the parties to file jurisdictional statements. Nothing in this rule shall operate to extend the time for initiating a case.

**Rule 6.109 Parties and attorneys on appeal; caption; substitution of parties; withdrawal of counsel.**

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**6.109(5) *Withdrawal of counsel.*** An attorney may not withdraw from representation of a party before an appellate court without permission of that court unless another attorney has appeared or simultaneously appears for the party. A motion for permission to withdraw as counsel for a party must show service of the motion on the party, and must include the party's address, ~~phone~~ telephone number, and any available email address. Before court-appointed trial counsel for a criminal defendant may withdraw, the court file must contain proof counsel has completed counsel's duties under Iowa R. Crim. P. 2.29(6).

**Rule 6.110 Protected information; confidential materials and cases; briefs not confidential.**

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**6.110(2)** *Certification by party of confidential and protected material or cases-made-confidential by statute or rule.*

*a. Confidential and protected material.* When a party files any document, except a brief, that contains material or a reproduction, quotation, or extensive paraphrase of material that is declared confidential by any statute or court rule or to which access is restricted by court order, of the supreme court or in a case declared confidential by any statute or rule of the supreme court, the party ~~shall~~ must certify ~~its~~ the document's confidential nature by including a certificate of confidentiality as the first page of the document. The certificate shall cite the applicable statute or rule, be signed by the party or counsel, and be affixed on top of the cover page of each copy of the notice, motion, appendix, record, or other document that is filed or served. The certificate page must contain only the caption of the case; the certificate of confidentiality, which includes the applicable statute, rule, or court order; and the signature of the party or counsel. The certificate page must substantially comply with form 11 in rule 6.1401. When filing a document that contains a certificate of confidentiality, the filer must note that fact in the appropriate place on the electronic cover sheet. See Iowa R. Elec. P. 16.201(6).

*b. Confidential and protected cases.* When a party files any document, except a brief, in a case declared confidential by statute or court rule or to which access is restricted by court order, the party need not certify the document's confidential nature. Briefs filed in a

confidential or restricted-access case must comply with the personal privacy protection provisions in division VI of the Iowa Rules of Electronic Procedure. See Iowa R. Elec. P. 16.601(1).

c. Separate appendices for confidential or protected materials. ~~In~~ ~~appeals in cases that are~~ If a case is not confidential by statute or court rule, but requires the filing of documents that include confidential or protected material, a party may—must file separate appendices, one containing confidential and protected materials and one containing documents having no confidential or protected material. An appendix not certified confidential becomes public record.

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**6.110(4) Responsibility of filer.** It is the responsibility of the filing party to ensure that confidential or protected information is properly redacted, omitted, or certified as confidential. For purposes of this rule, a pro se litigant is the filing party of a pro se document. It is not the responsibility of the clerk of court to review filings to determine whether appropriate redactions, omissions, or certifications have been made; to redact or remove confidential or protected information from court filings; or to certify or restrict access to confidential or protected information on its own initiative. Failure of the filing party to ensure that confidential or protected information is properly redacted, omitted, or certified as confidential may subject the filing party to sanctions by the court.

**Rules 6.111 to 6.200** Reserved

## Division II

### Termination-of-Parental-Rights and Child-In-Need-of-Assistance Appeals Under Iowa Code Chapter 232

#### **Rule 6.201 Petition on appeal in termination-of-parental-rights and child-in-need-of-assistance cases under Iowa Code chapter 232.**

**6.201(1)** *Petition on appeal.*

~~*b. Filing and service of petition on appeal. Time for filing a petition on appeal. An original A petition on appeal and 17 copies must be filed with the clerk of the supreme court within 15 days after the filing of the notice of appeal with the clerk of the district court or within 15 days after the filing of an order granting an interlocutory appeal. The time for filing a petition on appeal shall not be extended. A copy of the petition on appeal shall be served on all counsel of record, all parties unrepresented by counsel, and the attorney general in the manner stated in Iowa R. Civ. P. 1.442(2). The petition on appeal shall include a certificate of service in the form stated in Iowa R. Civ. P. 1.442(7).*~~

**6.201(2)** *Joinder disallowed. A party may not join in a petition on appeal that another party files separately.*

**6.201(2)(3)** *Consequence of failure to file a timely petition on appeal.*

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#### **Rule 6.202 Response to petition on appeal in termination-of-parental-rights and child-in-need-of-assistance cases under Iowa Code chapter 232.**

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**6.202(2)** *Filing and service. Time for filing a response to a petition on appeal. An original and 17 copies of a A response to a petition on*

~~appeal shall must~~ be filed with the clerk of the supreme court within 15 days after the service of the ~~appellant's petition on appeal~~. A copy of the response shall be served on all counsel of record, all parties unrepresented by counsel, and the attorney general in the manner prescribed in Iowa R. Civ. P. 1.442(2).

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**Rules 6.206 to 6.300** Reserved

### **Division III**

#### Certified Questions of Law

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**Rule 6.303 Briefing.**

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**6.303(2) *Filing of briefs.*** The parties shall ~~shall~~ must file and serve all briefs within the expedited times for filings prescribed by rule 6.902(2).

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**Rules 6.306 to 6.400** Reserved

### **Division IV**

#### Abortion Notification Appeals

**Rule 6.401 Procedure in abortion notification appeals.**

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**6.401(2) *Procedure on appeal*** Within 48 hours after the filing of a notice of appeal, the court reporter shall file the original of the

completed transcript with the clerk of the supreme court. The reporter shall also file a certificate with the clerk of the district court stating the date the transcript was filed in the supreme court. Within 48 hours after the filing of a notice of appeal, the clerk shall transmit to the supreme court any relevant district court ~~papers~~ documents, including the district court decision. The minor ~~shall~~ must file a written argument supporting her appeal with the clerk of the supreme court within 48 hours of filing the notice of appeal. The written argument ~~shall~~ must include a statement designating the method by which the minor chooses to receive notice of the supreme court's final decision.

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**6.401(4) Confidentiality.** Notwithstanding any other rule or statute, all documents filed in the appeal and the supreme court's docket ~~shall~~ bear confidential. Any hearing held on an appeal under this rule shall be confidential. The minor may use the same pseudonym that she used in the juvenile court proceedings. Identifying information, including address, parents' names, or social security number, ~~shall~~ must not appear on any court ~~papers~~ documents. All ~~papers~~ documents shall must contain the juvenile court docket number for identification purposes. The only persons who may have access to the court ~~papers~~ documents and admission to any hearing are the justice(s), court staff who must have access to the records for administrative purposes, the minor, her attorney, her guardian ad litem, and the person(s) designated in writing by the minor, her attorney, or her guardian ad litem to have such access or admission. In no case may the minor's parent(s) have access to her ~~papers~~ documents or admission to any hearing.

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**Rules 6.402 to 6.500** Reserved

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## **Division VI**

### Staying District Court Judgments and Proceedings

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#### **Rule 6.604 Stays involving child custody.**

**6.604(1) Application.** A supersedeas bond filed pursuant to rule 6.601 shall not stay an order, judgment, decree, or portion thereof affecting the custody of a child. Upon application in a pending appeal, the appellate court may, in its discretion, stay any district court order, judgment, decree, or portion thereof affecting the custody of a child and provide for the custody of the child during the pendency of the appeal. ~~The application for such a stay order and any supporting briefs or other papers shall be filed with the clerk of the supreme court and served in the manner provided in rule 6.701.~~

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## **Division VII**

### Filing, Service, and Fees

#### **Rule 6.701 Filing and service.**

~~**6.701(1) Applicability.** This rule shall govern the filing and service of papers required or permitted to be filed with the clerk of the supreme court under the rules of appellate procedure.~~

**~~6.701(2) Filing.~~**

~~a. Where and when filed. Papers~~

**6.701(1) Filing with the clerk of the supreme court.** Documents required or permitted to be filed in the supreme court or in the court of appeals ~~shall~~ must be filed with the clerk of the supreme court. All ~~papers~~ documents required to be served upon a party ~~shall~~ must be filed with the court before or at the time of service or within a reasonable time thereafter. Whenever these rules require a filing with the supreme court or its clerk within a certain time, the time requirement shall be tolled when service is made, provided the actual filing is done within a reasonable time thereafter. ~~Papers~~ Documents received by the clerk of the supreme court without a certificate of service shall be deemed filed when received by the clerk.

~~b. Facsimile filing. The filing of some papers may also be accomplished by fax transmission. A paper shall not be filed by fax transmission when these rules or an order of an appellate court requires 18 copies of the paper to be filed. A paper longer than five pages shall not be filed by fax transmission without prior leave of the clerk. Each fax transmission shall be accompanied by a fax cover page which states the date of the transmission, the name and fax telephone number of the person to whom the paper is being transmitted, the name, telephone number, and e-mail address of the person transmitting the paper, the docket number and title of the case in which the paper is to be filed, the name of the paper, and the number of pages, excluding the cover page, being transmitted. A fax fee of \$3 per page, excluding the cover page, shall be required for filing a paper by fax transmission. The person transmitting the paper shall certify that the fax fee and any~~

~~required filing fee have been mailed to the clerk contemporaneously with the fax transmission. Only one copy of the paper shall be transmitted; the clerk will provide any additional copies required by these rules or an order of an appellate court. Papers filed by fax transmission shall be deemed filed when the transmission is received by the clerk.~~

**6.701(2)** Emailing or faxing documents does not constitute electronic filing. Emailing or faxing a document to the clerk of the supreme court or to an appellate court will not generate a file stamp or a notice of electronic filing or presentation and will not result in the filing of the document. See Iowa Rs. Elec. P. 16.201(23), 16.306. Documents transmitted to the clerk of the supreme court or to an appellate court by fax or email will only be filed if the party is authorized to submit the document in that manner under rule 6.100(3) (exemptions from mandatory use of EDMS). Documents from an exempted party transmitted by fax or email may only be transmitted pursuant to a prior arrangement with the clerk of the supreme court. Failure to comply with the ~~fax-submission~~ requirements of this rule may result in the imposition of sanctions: the ~~paper-document~~ transmitted may be stricken or deemed not filed, the appeal or review may be dismissed, or other appropriate action may be taken. Documents submitted by fax are subject to a fax fee of \$3 per page, excluding the cover page.

**6.701(3)** ~~Service of all papers required.~~ Copies of all papers filed by any party and not expressly required by these rules to be served by the clerk shall, at or before the time of filing, be served by a party or person acting for that party on all other parties to the appeal or review. Service on a party represented by counsel shall be made on counsel.

~~Papers required to be served on the State shall be served on the attorney general.~~

~~**6.701(4)** *Manner of service.* Service may be personal, by mail, by fax transmission, or by e mail. Personal service includes delivery of the copy to a clerk or other responsible person at the office of counsel. Service by mail is complete on mailing. Service may also be made upon a party or attorney by fax transmission or e mail if the person consents in writing in that case to be served in that manner. The written consent shall specify the fax telephone number or e mail address for such service and shall be served on all other parties or attorneys. The written consent may be withdrawn by written notice and shall be served on all other parties or attorneys. Service of a paper by fax transmission is complete when the person transmitting the paper receives confirmation of receipt of the transmission by the fax machine of the person served. Service by e mail is complete upon transmission, unless the party making service learns that the attempted service did not reach the person to be served.~~

~~**6.701(5)** *Certificate of service.* All papers required or permitted to be filed shall include a certificate of service. The certificate shall identify the document served and include the date and manner of service and the names and addresses of the persons served. The certificate shall be signed by the person who made service. The certificate of service may appear on or be affixed to the papers filed. The clerk of the supreme court may permit papers to be filed without acknowledgment or certificate of service but shall require such proof to be filed promptly thereafter. The certificate of service for a paper served by fax transmission shall state the fax telephone number of the person to~~

~~whom the paper was transmitted. The certificate of service for a paper served by electronic mail shall state the e-mail address of the person to whom the information was transmitted.~~

~~**6.701(6)** *Additional time after service by mail.* Whenever a party is required or permitted to do an act within a prescribed period after service of a paper upon that party and the paper is served by mail, email, or fax transmission three days shall be added to the prescribed period. Such additional time shall not be applicable where the deadline runs from entry or filing of a judgment, order, decree, or opinion.~~

~~**6.701(7)** *Service of orders, notices or opinions by e-mail.* Each document filed with the supreme court shall bear the e-mail address of the attorney or party filing it. The clerk is authorized to deliver any orders, notices, opinions or documents requiring service by the clerk to the e-mail address provided by the attorney or party.~~

#### **Rule 6.702 Service.**

~~**6.702(1)** *Filer's duty to ensure service.* Documents filed with the clerk of the supreme court must be served on all other parties to the appeal or review and on any nonparty required to be served by these rules unless the appropriate appellate court orders otherwise. The filer must ensure that all required service is accomplished pursuant to Iowa Rs. Elec. P. 16.315 and 16.319(1)(c).~~

~~**6.702(2)** *Electronic service on registered filers.* Filed documents are electronically served pursuant to Iowa R. Elec. P. 16.315(1). Electronic service is not effective if the filer learns that the notice of electronic filing was not transmitted to a party.~~

~~**6.702(3)** *Service of paper copies on nonregistered parties.* The filer~~

must serve nonregistered (exempted) filers and not-yet-registered filers in paper pursuant to Iowa R. Elec. P. 16.315(2). A certificate of service must be filed for all documents not served by EDMS pursuant to Iowa R. Elec. P. 16.316.

**6.702(4)** *Service on court reporters.* Required service on a court reporter must be made by email, mail, fax, or hand-delivery.

**6.702(5)** *Additional time after service.* Whenever a party is required or permitted to do an act within a prescribed period after service of a document upon that party and the document is served by mail, email, or fax transmission, three days shall be added to the prescribed period. Such additional time shall not be applicable where the deadline runs from entry or filing of a judgment, order, decree, or opinion.

**Rule ~~6.702~~ 6.703 Filing fees and copies.**

~~**6.702(1)**~~ **6.703(1)** *Filing fees.*

.....

~~**6.702(2)**~~ **6.703(2)** *Waiver of filing fees.*

.....

~~**6.702(3)**~~ **6.703(3)** *Copies.* The fee for providing paper copies of papers ~~documents~~ is 50 cents for each page. The fee for providing electronic copies of documents is 50 cents for each page for documents of fewer than ten pages and \$5 for each document or part thereof for documents of ten or more pages. An additional fee of \$10 ~~shall be charged~~ applies for a certified copy of a document.

**Rules ~~6.703-704~~ to 6.800 Reserved**

## Division VIII

### Record on Appeal

**Rule 6.801 Composition of record on appeal.** Only the original ~~papers~~ documents and exhibits filed in the district court case from which the appeal is taken, the transcript of proceedings, if any, and a certified copy of the related docket and court calendar entries prepared by the clerk of the district court ~~in the case from which the appeal is taken~~ shall constitute the record on appeal.

**Rule 6.802 Transmission of record.**

**6.802(1) *Transmission of notice of appeal and the combined general docket entries*.** The clerk of the district court ~~shall~~ will electronically transmit certified copies of the notice of appeal, the notice of cross-appeal, if any, and the combined general docket entries ~~in the district court proceeding to the clerk of the supreme court, all parties or their attorneys,~~ any court reporter who reported a proceeding that is the subject of the appeal, and the attorney general in juvenile cases and other cases in which the State of Iowa is an interested party whether or not the attorney general has appeared in the district court. Transmission ~~shall~~ must be completed within four days after the filing of the notice of appeal or the notice of cross-appeal, if any. ~~Upon receipt of the certified copies, the clerk of the supreme court shall assign a number to the case and create a docket.~~

**6.802(2) *Transmission of ~~remaining~~ record on appeal*.** No later than seven days after all briefs in final form have been ~~served~~ filed or the times for ~~servicing~~ filing them have expired, the appellant ~~shall~~ must file a

request with the clerk of the district court to transmit the record to the clerk of the supreme court ~~any remaining record~~. If the appeal is from a termination-of-parental-rights or a child-in-need-of-assistance case, the appellant must file a request with the clerk of the district court to transmit to the clerk of the supreme court any remaining record within 30 days after the filing of the notice of appeal. Any nonelectronic document or exhibit that may reasonably be maintained electronically must be converted to an electronic document and transmitted to the clerk of the supreme court electronically. Physical media such as CDs, DVDs, or USB drives containing electronic documents or exhibits that cannot be maintained by EDMS shall be transmitted to the clerk of the supreme court with the record. ~~The record shall include the original papers and exhibits filed in the district court. Exhibits~~ Nonelectronic exhibits of unusual bulk or weight shall not be transmitted by the clerk unless a party or the clerk of the supreme court requests transmission. A party ~~shall~~ must make advance arrangements with the clerk of the district court for the transmission and the clerk of the supreme court for the receipt of exhibits of unusual bulk or weight.

**6.802(3)** *Request to transmit record in Iowa Rule of Appellate Procedure 6.1005 cases.* At the time of filing a motion to withdraw pursuant to rule of appellate procedure 6.1005(2), counsel must file a request with the clerk of the district court to transmit the record to the clerk of the supreme court. See rule 6.1005(4).

**6.802(3)(4)** *Certification of confidential record.*

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**6.802(4)(5)** *Retention of trial record in district court.*

• • • •

**6.802(5)(6)** *Portions of record not transmitted.*

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**Rule 6.803. Transcript.**

**6.803(1)** *Ordering transcript.* Within seven days after filing the notice of appeal, the appellant ~~shall~~must use the combined certificate to order in writing from the court reporter a transcript of such parts of the proceedings not already on file as the appellant deems necessary for inclusion in the record. If the appellant intends to urge on appeal that a finding or conclusion is unsupported by the evidence or is contrary to the evidence, the appellant ~~shall~~must include in the record a transcript of all evidence relevant to such finding or conclusion.

**6.803(2)** *Form of transcript.* The following transcript format requirements ~~shall~~must be followed whether the transcript is produced in printed or electronic format.

*a. Page layout.* A page of transcript ~~shall~~must consist of no fewer than 25 lines per page of type on ~~paper document pages~~ 8 1/2 by 11 inches in size, prepared for binding on the left side. Margins ~~shall~~must be 1 1/8 inches on each side and 1 inch on the top and bottom. Pages ~~shall~~must be numbered consecutively in the upper right-hand corner. ~~When~~If the transcript for a proceeding consists of multiple volumes, ~~pagination shall be consecutive throughout~~ the volumes must not be consecutively paginated.

.....

*e. Reporter's certificate of filing the transcript.* In addition to the transcript, the reporter shall prepare and file with the clerk of the supreme court a reporter's certificate of filing the transcript. The certificate must ~~containing~~contain the case caption, the date the

transcript was ordered, the name of the attorney or other person ordering the transcript, and the date it was filed with the ~~supreme~~ district court.

*f. ~~Condensed transcript~~transcripts not permitted.* ~~A transcript may be produced in a condensed format which includes four pages of transcript on a single page of 8 1/2 by 11 inch paper. Margins shall be 1 1/4 inches on each side and 1 inch on the top and bottom. A condensed transcript shall be legible, shall be in portrait format, and the font size shall be not less than 10 points. The pages of the condensed transcript shall be formatted with page one in the top left, page two in the bottom left, page three in the top right, and page four in the bottom right. Condensed transcripts, which include multiple pages of transcript on a single page, may not be submitted.~~

*g. Format of electronic transcripts.* Electronic transcripts must be prepared to be text searchable and comply with Iowa R. Elec. P. 16.402.

**6.803(3) *Filing transcript.*** The reporter ~~shall~~ will file the original of the transcript with the clerk of the ~~supreme~~ district court and shall ~~serve a copy of~~ file the reporter's certificate of filing the transcript ~~on the parties and~~ with the clerk of the district court. The transcript and the reporter's certificate of filing the transcript ~~shall~~ must be filed within the following number of days from service of the combined certificate:

- a. 20 days — guilty pleas and sentencing.
- b. 30 days — child-in-need-of-assistance and termination-of-parental-rights proceedings under chapter 232.
- c. 40 days — all other cases.

.....

**Rule 6.804 Combined certificate.**

**6.804(1) *Duty of appellant to file combined certificate.*** In all cases, the appellant ~~shall~~must complete the combined certificate form found in form 2 in rule 6.1401. The combined certificate ~~shall~~must be separately filed with the clerks of both the district court and the supreme court within seven days after filing the notice of appeal or appointment of new appellate counsel, whichever is later. The appellant ~~shall~~must serve the combined certificate ~~on all parties to the appeal and on each court reporter from whom a transcript was ordered.~~ See rule 6.702(4). ~~If the State is a party to the case, a copy of the combined certificate shall also be served upon the attorney general. The combined certificate shall be filed with the clerks of both the district and the supreme court.~~

**Rule 6.805 Appellee's designation of additional parts of transcript.**

**6.805(1) *Appellee's designation.*** If the appellee deems a transcript of other parts of the proceedings to be necessary, the appellee ~~shall serve~~must separately file a designation of additional parts to be transcribed with the clerks of both the district court and the supreme court and must serve the designation on all parties and the court reporter. ~~The designation of additional parts shall be served within~~ 10ten days after service of the combined certificate, ~~and shall be filed with the clerks of both the district and the supreme court.~~

• • • •

**6.805(3) *Supplemental certificate.*** Within seven days after the appellee has served a designation of additional parts of the proceedings requested to be transcribed, the party ordering additional proceedings

~~shall~~ must use the supplemental certificate found in form 3 in rule 6.1401 to order the additional proceedings transcribed, serve it ~~on all parties to the appeal and~~ on the court reporter, and file it with the clerks of both the district court and the supreme court.

**Rule 6.806 Proceedings when transcript unavailable.**

**6.806(1)** *Statement of evidence or proceedings.* A statement of the proceedings may be prepared to create a record of a hearing or trial for which a transcript is unavailable if a party deems it necessary to complete the record on appeal. The statement of the proceedings ~~shall~~ must be prepared from the best available means, including the party's recollection. The statement ~~shall~~ must be filed with the clerk of the district court ~~and served on the opposing party~~ within 20 days after the filing of the notice of appeal or within 10 days after the party discovers a transcript of a proceeding is unavailable.

**6.806(2)** *Objections to statement.* The opposing party may file with the clerk of the district court ~~and serve on the filing party~~ objections or proposed amendments to the statement within ~~10~~ ten days after service of the statement.

. . . .

**Rules 6.807 to 6.900** Reserved

**Division IX**

Briefs and Appendix

**Rule 6.901 Filing and service of briefs and amendments.**

**6.901(1)** *Time for filing proof briefs.* Except for cases expedited

under rule 6.902, the following filing deadlines shall apply:

• • • •

d. *Counsel's duty to serve brief on defendant, applicant, or respondent.* In addition to the service requirements of rule ~~6.701(3)~~ 6.702, appellate counsel for a criminal defendant, a postconviction applicant, or a respondent committed under Iowa Code chapter 229A ~~shall~~ must serve a copy of counsel's proof brief and designation of parts upon the defendant, applicant, or respondent. Counsel ~~shall~~ must indicate such service in the certificate of service on the proof brief and on the designation of parts. The certificate of service ~~shall~~ must include the address at which the defendant, applicant, or respondent was served.

**6.901(2) *Pro se supplemental ~~proof~~ briefs.***

a. *Filing ~~and service of~~ supplemental brief.* Any criminal defendant, applicant for postconviction relief, or respondent committed under Iowa Code chapter 229A may ~~file a pro se supplemental brief or designate additional parts of the district court record for inclusion in the appendix~~ submit a pro se supplemental brief or designation of appendix to the clerk of the supreme court within 15 days after service of the proof brief filed by their counsel. Any pro se supplemental brief or designation ~~filed~~ submitted beyond this period by a properly served defendant, applicant, or respondent will not be considered by the court and no response by the State will be allowed. The pro se supplemental brief cannot exceed more than one-half of the length limitations for a required brief specified in rule 6.903(1)~~(g)~~(f) unless otherwise ordered by the court for good cause shown. ~~The defendant, applicant, or respondent must serve counsel and the State with copies of the~~

~~supplemental brief or designation~~ A pro se supplemental brief may be filed by the pro se filer or by the pro se filer's counsel.

*b. Pro se as appellant.* If the defendant, applicant, or respondent is the appellant, the State's proof brief must be ~~served and~~ filed within 30 days after service of the pro se supplemental brief, and the State must serve a copy of its proof brief upon the appellant ~~and the appellant's counsel~~. Within the time provided for the appellant's counsel to file a reply brief, the appellant may also file a pro se supplemental reply brief. The pro se supplemental reply brief cannot exceed more than one-half of the length limitations for a reply brief specified in rule 6.903(1)(~~g~~)(f) unless otherwise ordered by the court for good cause shown. ~~The appellant must serve counsel and the State with copies of the pro se supplemental reply brief.~~ Counsel for the appellant shall be responsible for including any additional designated parts of the record in the appendix.

*c. State as appellant.* If the State is the appellant, the State ~~shall~~ must serve and file the appendix and a reply brief, if any, within 21 days after service of the pro se supplemental brief, and the State shall be responsible for including any additional designated parts in the appendix.

*d. Counsel's duty to* ensure file final filing and service of supplemental briefs. ~~Counsel for the defendant, applicant, or respondent shall serve and file the final copies of the pro se supplemental briefs.~~ Counsel for the defendant, applicant, or respondent must ensure that pro se supplemental briefs have been electronically filed and ensure that service has been accomplished pursuant to rule 6.702.

**6.901(3)** *Time for filing briefs in final form.* Within 14 days after service of the appendix pursuant to rule 6.905(11), each party ~~shall serve and must~~ file the party's brief or briefs in the final form prescribed by rule 6.903 and 6.904(4)(b).

.....

**6.901(5)** *Multiple adverse parties.* If the time for doing any act prescribed by these rules is measured from the date of service of a ~~paper document~~ by an adverse party, then in the case of multiple adverse parties the time for doing such act shall be measured from the date of service of the last timely served ~~paper document~~ by an adverse party or the date of expiration of time for such service.

.....

~~**6.901(8)** *Number of copies to be filed and served.* Two copies of proof briefs and 18 copies of each brief in final form or amendment thereto shall be filed with the clerk of the supreme court, and one copy of the proof brief and the briefs in final form shall be served on counsel for each party separately represented.~~

.....

**Rule 6.903 Briefs.**

**6.903(1)** *Form of briefs.*

*a. Reproduction.* A brief must show clear black text or images on a white background. A brief filed in paper may be reproduced by any process that yields a clear black image on white paper. The paper must be opaque and unglazed. Briefs filed in paper ~~shall be reproduced on both sides of the sheet~~ must comply with Iowa R. Elec. P. 16.303.

.....

c. ~~Color of front covers~~ Searchable .pdfs. ~~The front cover of all briefs shall be:~~

- (1) ~~Appellant's brief—blue.~~
- (2) ~~Appellee's brief—red.~~
- (3) ~~Reply brief—gray.~~
- (4) ~~Amicus curiae brief—green.~~

Every appellate brief must be filed into the appellate case as a searchable .pdf document.

d. ~~Paper—Document size, line spacing, margins, and page numbering.~~ The brief must be ~~on an~~ an 8½ by 11 inch ~~paper document.~~ The text must be double-spaced, but quotations more than 40 words long may be indented and single-spaced. Headings and footnotes may be single-spaced. Margins ~~shall~~ must be 1¼ inches on each side and 1 inch on the top and bottom. Page numbers ~~shall~~ must be located at the bottom center of each page. The pages must be numbered consecutively using Arabic whole numbers. The cover page must be numbered page one. Any blank pages must be numbered. Roman numerals may not be used as page numbers. Page numbers must match the digital page numbers of the electronic document.

e. *Typeface.* Either a proportionally spaced or a monospaced typeface may be used.

f. *Type styles.*

••••

g. *Length.*

••••

h. *Printing or duplicating taxed as costs.* To the extent reasonable, the costs of printing or duplicating a brief ~~shall~~ may be taxed in the

appellate court as costs. Reasonable printing or duplicating costs ~~shall~~ may not exceed \$4—actual costs or \$1 per page, whichever is lower, unless otherwise ordered by the appropriate appellate court. The costs of any printing or duplication not required by these rules may not taxed as costs.

**6.903(2)** *Appellant's brief.*

• • • •

*j. Certificate of cost.* The amount actually paid for printing or duplicating ~~necessary—paper~~ copies of briefs in final form required by these rules shall—must be certified by the attorney.

**6.903(4)** *Appellant's reply brief.* The appellant may file a brief in reply to the brief of the appellee. The reply brief does not need to contain the sections required by rule 6.903(2)(d), 6.903(2)(e), 6.903(2)(f), 6.903(2)(g)(1), 6.903(2)(g)(2), or 6.903(2)(i). Unless a cross-appeal is filed, no further briefs may be filed without leave of the appropriate appellate court.

**Rule 6.904 References in briefs.**

• • • •

**6.904(2)** *To legal authorities.*

*a. Cases.* In citing cases, the names of parties must be given. In citing Iowa cases, reference must be made to the volume and page where the case may be found in the North Western Reporter. If the case is not reported in the North Western Reporter, reference must be made to the volume and page where the case may be found in the Iowa Reports. In citing cases, reference must be made to the court that rendered the opinion and the volume and page where the opinion may be found in the

National Reporter System, if reported therein. *E.g.*, \_ N.W.2d \_ (Iowa 20\_); \_ N.W.2d \_ (Iowa Ct. App. 20\_); \_ S.W.2d \_ (Mo. Ct. App. 20\_); \_ U.S.\_, \_ S. Ct.\_, ~~\_ L. Ed. 2d \_~~ (20\_); \_ F.3d\_ (\_Cir. 20\_); \_ F. Supp. 2d \_ (S.D. Iowa 20\_). When quoting from authorities or referring to a particular point within an authority, the specific page or pages quoted or relied upon ~~shall~~ must be given in addition to the required page references.

*b. Iowa Court Rules.* When citing the Iowa Court Rules, parties ~~shall~~ must use the following references:

(1) “Iowa R. Civ. P.”; “Iowa R. Crim. P.”; “Iowa R. Evid.”; “Iowa R. App. P.”; “Iowa R. Elec. P.”; “Iowa R. of Prof’l Conduct”; and “Iowa Code of Judicial Conduct” when citing those rules.

(2) “Iowa Ct. R.” when citing all other rules.

*c. Unpublished opinions or decisions.*

• • • •

*d. Other authorities.* When citing other authorities, references ~~shall~~ must be made as follows:

• • • •

(2) Citations to treatises, textbooks, and encyclopedias ~~shall~~ must include the edition, and the section, and or page as applicable.

• • • •

**6.904(4)** *To the record.*

*a. Proof briefs.* Proof briefs ~~shall~~ must contain references to the pages of the parts of the record, e.g., Petition p. 6, Judgment p. 5, Transcript v. II p. 298, Lines 15-24.

*b. Final briefs.* In final briefs, the parties ~~shall~~ must replace

references to parts of the record with citations to the page or pages of the appendix at which those parts appear. The final brief must also contain a reference to the original page and line numbers of the transcript. If references are made in the final briefs to parts of the record not reproduced in the appendix, the references ~~shall~~must be to the pages of the parts of the record involved, e.g., Answer p. 7, Motion for Judgment p. 2, Tr. p. 231 Ll. 8-21. Intelligible abbreviations may be used. No other changes may be made in the proof briefs as initially ~~served and~~ filed, except that typographical errors may be corrected.

**6.904(5)** Hyperlinks and other electronic navigational aids. Hyperlinks and other electronic navigational aids may be included in an electronically filed document as an aid to the court and the parties subject to the limitations of Iowa R. Elec. P. 16.312. A party may not use hyperlinks or other navigational aids to circumvent any page limitations set by these rules.

**Rule 6.905 Appendix.**

**6.905(1)** *Designation of contents.*

• • • •

b. ~~An original and a copy of the~~ The designation of parts of the district court record to be included in the appendix ~~shall~~must be filed by each party when the proof copy of ~~their~~the party's required brief, other than appellant/cross-appellee's reply brief, is ~~served and~~ filed. ~~One copy shall be served on all parties.~~ An appellee who is satisfied with the appellant's designation need not designate additional parts for inclusion, but must file ~~an original and a copy of~~ a statement indicating the appellee is not designating additional parts of the record. ~~One copy~~

~~shall be served on all parties.~~ If the appellee designates additional parts for inclusion in the record, the designation must indicate which documents, if any, include protected or confidential information; where in the documents the protected or confidential information can be found; the rule, statute, or court order making the information protected or confidential; and whether the information should be contained in a confidential appendix. In designating parts of the record for inclusion in the appendix, the parties ~~shall~~ must consider the fact that the entire record is available to the appellate courts for examination and ~~shall~~ may not engage in unnecessary designation.

. . . .

**6.905(3) Cover; form.**

~~a. The cover of the appendix and amendments to it shall be white.~~

~~b.~~ a. The requirements set out in rule 6.903(1) governing the printing, typeface, spacing, page size, margins, binding, and the form and content of the front cover of briefs ~~shall~~ must also be followed in the preparation of the appendix.

~~e.~~ b. Copies of pleadings, exhibits, and other ~~papers~~ documents may be reduced or enlarged to 8 1/2 by 11 inches for insertion in the appendix. All such copies must be legible.

c. Page numbers must be located at the bottom center of each page. The pages must be numbered consecutively using Arabic whole numbers. The cover page must be numbered page one. Any blank pages must be numbered. Roman numerals may not be used as page numbers. If the appendix consists of multiple volumes, the volumes may not be consecutively paginated, and references to the page numbers must include both the volume number and the page number,

e.g., Appendix v. II p. 256.

**6.905(4)** *Table of contents.*

a. The appendix ~~shall~~must include a table of contents identifying each part of the record included and disclosing the page number at which each part begins in the appendix. If the appendix consists of multiple volumes, the table of contents in each volume must disclose the contents and page numbers of all volumes.

• • • •

**6.905(7)** *Transcripts of proceedings and depositions.* If a transcript or deposition entered into evidence is not filed electronically, relevant portions must be included in the appendix. Relevant portions of an electronically filed transcript or evidentiary deposition may but need not be included. The following rules apply to all portions of transcripts and evidentiary depositions included in the appendix.

• • • •

~~f. A condensed version of a transcript which complies with the requirements of rule 6.803(2)(f) may be included in the appendix.~~

• • • •

**6.905(9)** *Asterisks shall must denote omitted portions of exhibits and other ~~papers~~ documents.* If part of an exhibit or other ~~paper~~ document is omitted from the appendix, the omission ~~shall~~must be indicated by a set of three asterisks at the location on the appendix page where the matter has been omitted.

• • • •

**6.905(11)** *~~Number of copies; time for service and filing~~ Time for filing*

the appendix. The appellant ~~shall~~ must file ~~18 copies of~~ each volume of the appendix and any amendments with the clerk of the supreme court and ~~serve one copy on counsel for each party separately represented~~ within 21 days after service or expiration of the time for service of the appellee's proof brief.

. . . .

**6.905(13)** *Cost of producing; taxation as costs on appeal.*

~~a.~~ The cost of producing the appendix shall initially be paid by the appellant unless the parties otherwise agree. If, however, the appellant reasonably believes parts of the record designated by the appellee for inclusion are unnecessary for the determination of the issues presented, the appellant may so advise the appellee who shall advance the cost of including such parts. If any party shall cause matters to be unnecessarily included in the appendix, the appropriate appellate court may tax the cost of producing such parts on that party.

~~b.~~ a. Appellant's attorney shall ~~must~~ certify within the appendix the amount actually paid for printing or otherwise producing ~~necessary~~ paper copies of the appendix required by these rules.

~~e.~~ b. The reasonable costs of printing or duplicating the appendix shall be taxed by the appellate court. Reasonable printing or duplicating costs shall ~~may~~ not exceed \$4 actual costs or \$1 per page, whichever is lower, unless otherwise ordered by the appropriate appellate court. The costs of any printing or duplication not required by these rules may not be taxed as costs.

**6.905(14)** Confidential or protected information. Confidential or protected information that is not or cannot be redacted must be

included in a separate volume of the appendix, and only that volume must be certified as confidential.

**Rule 6.906 Brief of amicus curiae.**

**6.906(1) Appeal.** An amicus curiae brief may be ~~served and~~ filed only by leave of the appropriate appellate court granted on motion ~~served on all parties~~, at the request of the appropriate appellate court, or when accompanied by the written consent of all parties. The brief may be conditionally ~~served and~~ filed with a motion for leave. A motion for leave ~~shall~~ must identify the interest of the applicant and ~~shall~~ must state the reasons an amicus curiae brief would assist the court in resolving issues preserved for appellate review in the case. An amicus curiae ~~shall serve and~~ must file a brief ~~within the time allowed no later than seven days after the brief of the party whose position the brief will support~~ to be supported is filed. The appropriate appellate court ~~for cause shown~~ may extend the deadline for the brief only upon an affirmative showing of good cause, specifying the period within which an opposing party may respond. An amicus curiae's request to participate in oral argument will not be granted except for extraordinary reasons.

**6.906(2) Further review.** Amicus curiae briefs ~~shall~~ may not be filed in support of, or in resistance to, an application for further review of a decision of the court of appeals. If the supreme court grants further review, an amicus curiae brief may be filed upon leave of the supreme court granted on motion ~~served on all parties~~, at the request of the supreme court, or when accompanied by the written consent of all parties. A motion for leave to file an amicus curiae brief must be filed within 14 days of the supreme court's order granting further review, and

no response to the motion shall be received unless requested by the court. The motion ~~shall~~must identify the interest of the applicant, ~~shall~~must state the reasons an amicus curiae brief would assist the court in resolving issues preserved for appellate review in the case, and ~~shall~~must be accompanied by the amicus curiae brief. If the motion for leave to file an amicus curiae brief is granted, the parties may file a response to the amicus curiae brief within 15 days of the court's order granting the motion.

**6.906(3)** *Rehearing.* Amicus curiae briefs may not be filed in support of, or in resistance to, a petition for rehearing of an opinion of the court of appeals or the supreme court.

**6.906(3) (4)** *Form of amicus curiae brief.* An amicus curiae brief ~~shall~~may not exceed more than one-half of the length limitations for a required brief specified in rule 6.903(1)~~(g)~~(f). An amicus curiae brief must comply with the format requirements of rule 6.903(1). An amicus curiae brief need not comply with rule 6.903(2) or (3) but must include all of the following:

• • • •

c. A concise statement of the identity of the amicus curiae and its interest in the case.

d. A statement that indicates whether a party's counsel authored the brief in whole or in part, indicates whether a party or party's counsel contributed money to fund the preparation or submission of the brief, and identifies any other person who contributed money to fund the preparation or submission of the brief.

~~d.~~e. An argument.

~~e.~~f. A certificate of compliance, if required by rule 6.903(1)~~(g)~~(4)

~~(f)(4).~~

~~6.906(4)-(5) Criteria for allowing amicus curiae brief.~~

~~.....~~

~~6.906(5) Number of copies of amicus brief. Eighteen copies of an amicus brief shall be filed. In addition, one copy shall be served on each party.~~

~~.....~~

**Rule 6.908 Oral and nonoral submission; notice of additional authorities.**

~~.....~~

**6.908(5) Additional authorities.** After final briefs are filed, a party may file a notice of additional authorities not cited in the briefs. ~~The party shall file 12 copies of the notice with the clerk of the supreme court and serve one copy on opposing counsel.~~ The notice shall must include a citation for each additional authority. No further argument ~~shall~~ may be included in the notice. If the case is set for oral argument, the party ~~shall fax, e mail, or hand deliver the notice to~~ must ensure that all opposing parties are served with the notice at least four days in advance of oral argument, unless the authorities were not in existence prior to that time.

**6.908(6) Use of exhibits and demonstrative aids during argument.** If a party intends to display exhibits or any other demonstrative aids during oral argument, ~~they shall serve~~ the party must ensure that all opposing parties are served a copy of the exhibit or aid ~~on all opposing parties~~ no later than four days prior to the argument. No such exhibit

or aid may be used in oral argument unless a sufficient number of copies for the court are given to the bailiff when a party checks in for oral argument, unless it is impractical to do so.

**Rules 6.909 to 6.1000. Reserved**

**Division X**

**Writs, Motions, and Other ~~Papers~~ Documents**

.....

**Rule 6.1002 Motions.**

**6.1002(1)** *Motions in supreme court and court of appeals.* All motions and supporting documents ~~shall~~must be filed with the clerk of the supreme court as provided in rule 6.701 and served as provided in rule 6.701-6.702 and filed with the clerk of the supreme court. A motion:

a. ~~Shall~~Must prominently display beneath the title of the motion, the date of any impending hearing, trial, or matter needing immediate attention of the court. If the filing requires expedited consideration, the filing party must state the circumstances in the special filing instructions to the clerk on the electronic cover sheet, see Iowa R. Elec. P. 16.306(1), including the date of any impending district court trial or hearing.

b. ~~Shall~~Must include any materials required by a specific provision of these rules governing such motion.

c. ~~Shall~~Must be accompanied by a copy of any ruling from which a party seeks appellate review.

d. ~~Shall~~Must state with particularity the grounds on which it is based, including citations to relevant authorities.

e. ~~Shall~~Must set forth the order or precise relief sought.

f. May be supported by other relevant portions of the record. The supporting documents to a motion must be electronically attached to the motion. See Iowa R. Elec. P. 16.311. ~~but such~~ Such attachments shall may not exceed 25 pages unless otherwise ordered by the appellate court. Any application for the inclusion of attachments exceeding the 25-page limitation shall may not include such attachments.

**6.1002(2) Resistance; reply to resistance.** All resistances, replies, and any supporting documents ~~shall be~~ must be filed with the clerk of the supreme court as provided in rule 6.701 and served as provided in rule 6.701-6.702 and filed with the clerk of the supreme court. Unless the appropriate appellate court orders otherwise, any party may file a resistance to a motion within 14 days after service of the motion. A reply to the resistance may be filed within three days after the service of the resistance. ~~A motion may, however, be granted or denied.~~ However, the appropriate appellate court may act upon the motion prior to the expiration of the time to file a reply to the resistance. A resistance or a reply to the resistance may be supported by other relevant portions of the record, but such attachments ~~shall~~ may not exceed 25 pages unless otherwise ordered by an appellate court. Any application for the inclusion of attachments exceeding the 25-page limitation shall may not include such attachments.

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**Rule 6.1005 Frivolous appeals; withdrawal of counsel.**

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**6.1005(2) Motion to withdraw.** If, after a diligent investigation of the entire record, court-appointed counsel is convinced the appeal is

frivolous, and that counsel cannot, in good conscience, proceed with the appeal, counsel may file a motion to withdraw. For purposes of this section, a potential claim of ineffective assistance of counsel that requires the development of an additional record in a postconviction relief proceeding may be considered frivolous. The motion must be accompanied by:

a. A brief referring to anything in the record that might arguably support the appeal. The motion and brief ~~shall~~ must be in the form specified in rule 6.1007 and ~~shall~~ must contain citations to the record. If the appeal is from a guilty plea or sentence, the motion ~~shall~~ must, at a minimum, address whether a factual basis existed for each and every element of the crime, whether the plea and sentencing proceedings substantially complied with the rules of criminal procedure, and whether the sentence was authorized by the Iowa Code, case law, or the rules of criminal procedure. The brief must contain specific citations to the sections of the Iowa Code and the Iowa Court Rules that are applicable to the determination of whether the sentence imposed was within the statutory limits and compare those sections to the sentence imposed, along with a proper citation to the record. The brief ~~shall~~ must also contain citations to the record establishing each of the elements of the crime and establishing compliance with the rules of criminal procedure and the Iowa Code.

b. A copy of the rule 6.1005(3) notice.

c. A certificate showing service of the motion, brief, and notice upon the client ~~and the attorney general.~~

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**6.1005(4)** *Request to transmit record.* ~~Within 14 days after~~ At the

time of filing the motion to withdraw, counsel shall ~~must file a request with the clerk of the district court to transmit immediately the record to the clerk of the supreme court the remaining record not already transmitted, including the original papers and exhibits filed in the district court and any court reporter's transcript of the proceedings.~~

. . . .

**Rule 6.1006 Motions to dismiss, affirm, or reverse.**

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**6.1006(3) *Motions to reverse.*** Any party may file a motion with the appropriate appellate court to summarily reverse the appeal on the grounds the result is controlled by an indistinguishable, recently published decision of an appellate court or where error has been confessed. The motion ~~shall~~ must comply with the requirements of rule 6.1002(1). ~~In response to a motion to reverse, the appropriate appellate court will order the nonmoving party to show cause why the case should not be reversed. A similar show cause order may be entered by the appropriate appellate court acting on its own initiative. One judge or justice may overrule, but only a quorum of the appropriate appellate court may sustain, a motion to reverse.~~

. . . .

**Rule 6.1007 Form of motions and other papers filings.**

**6.1007(1) *Format.*** Motions and other similar filings must show clear black text or images on a white background on an 8½ by 11 inch document. ~~Motions and other papers~~ If filed in paper, they may be

reproduced by any process that yields a clear black image on white 8½ by 11 inch paper. The paper must be opaque and unglazed. Unless handwritten, the text must be double-spaced, but quotations more than 40 words long may be indented and single-spaced. Margins ~~shall~~ must be 1¼ inches on each side and 1 inch on the top and bottom. Page numbers ~~shall~~ must be located at the bottom center of each page. Typeface ~~shall~~ must conform to rule 6.903(1)(e). ~~Consecutive sheets shall be attached at the upper left margin.~~ Paper filings must comply with Iowa R. Elec. P. 16.303.

**6.1007(2)** *Contents.* A motion or other ~~paper~~ similar filing addressed to an appellate court ~~shall~~ must contain a caption setting forth the name of the court, the title of the case, the file number, a brief descriptive title indicating the purpose of the ~~paper~~ filing, and the name, address, telephone number, email address, and fax number of counsel or the self-represented party.

~~**6.1007(3)** *Copies; filing and service.* Four copies of motions and other papers shall be filed with the clerk of the supreme court and one copy shall be served on each party unless the appropriate appellate court orders otherwise.~~

**Rules 6.1008 to 6.1100** Reserved

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## **Division XI**

### **Transfer, Submission, and Further Review**

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**Rule 6.1103 Application to the supreme court for further review.**

**6.1103(1)** *Application.*

c. *Form.* An application for further review ~~shall~~must be a single document in the form prescribed by rule 6.903(1). An application for further review ~~shall~~must contain all of the following under appropriate headings in the following order:

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(3) *Statement supporting further review.* The application shall must contain a direct and concise statement of the reasons why the case warrants further review. The statement must not be limited to a recitation of rule 6.1103(1)(b), but shall explain why the case meets the grounds for further review set forth in that rule. For example, if the claim is that the court of appeals decision is in conflict with a decision of the supreme court or the court of appeals on an important matter, the party must cite to the case in conflict.

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(6) *Other attachments.* The only materials that may be attached to or filed with an application, other than the court of appeals decision, are ~~an evidentiary exhibit~~ relevant materials from the district court record not exceeding ten pages, and a district court orders, and administrative agency rulings. The district court order ~~shall~~must be attached if the court of appeals affirmed the decision of the district court under rule 6.1203-~~(affirmed or enforced without opinion)~~, Iowa Ct. R. 21.26-~~(memorandum opinions)~~, or Iowa Code section 602.5106(1)~~(affirmed by operation of law)~~.

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**6.1103(3)** *Cover of application or resistance.* ~~The cover of an application for further review shall be yellow and the cover of the~~

~~resistance shall be orange.~~ The cover of the application or resistance ~~shall~~ must contain:

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**6.1103(4)** *Length of application or resistance.*

a. The application or resistance ~~shall~~ may not exceed two-fifths of the length limitations for a required brief specified in rule 6.903(1)(~~g~~)-(f) exclusive of the court of appeals decision, table of contents, table of authorities, ~~and evidentiary exhibits~~ relevant materials from the district court record, district court orders, and administrative agency decisions.

b. An application for further review must include a certificate of compliance using form 10 of rule 6.1401.

~~**6.1103(5)** *Number of copies of application or resistance.* Eighteen copies of an application or a resistance shall be filed. In addition, one copy shall be served on each other party separately represented.~~

~~**6.1103(6)** (5) *Supplemental briefs.*~~

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~~**6.1103(7)** (6) *Procedendo.*~~

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**Rules 6.1104 to 6.1200** Reserved

## **Division XII**

### Disposition of Appeals

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**Rule 6.1202** **Failure to comply with appellate deadlines and appellate court orders; consequences and penalties.**

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**6.1202(6)** Failure to follow or respond to appellate court order. When a party to an appeal fails to follow or respond to an appellate court order, the court may dismiss the appeal or impose a penalty. If a monetary penalty is imposed on a party's attorney, the penalty must be paid by the attorney individually and is not to be charged to the client. If such penalties are not paid within 15 days, the attorney may be ordered to show cause why the attorney should not be found in contempt of the court.

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**Rule 6.1204 Petition for rehearing in court of appeals.**

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~~6.1204(8) Number of copies to be filed and served.~~ Eighteen copies of the petition shall be filed with the clerk of the supreme court and one copy served on each party as prescribed by rule 6.701.

**Rule 6.1205 Petition for rehearing in supreme court.**

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**6.1205(4)** *Action by supreme court.* Oral argument in support of the petition will not be permitted. If a petition for rehearing is granted, the supreme court may make a final disposition of the case with or without oral argument, order resubmission, or enter any other appropriate order. The supreme court may deny the rehearing but simultaneously amend the opinion.

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~~6.1205(6) Number of copies to be filed and served.~~ Eighteen copies

~~of the petition shall be filed with the clerk of the supreme court and one copy served on each party as prescribed by rule 6.701.~~

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**Rule 6.1208 Procedendo.**

**6.1208(1)** *Procedendo from supreme court action.* Unless otherwise ordered by the supreme court, no procedendo shall issue for:

a. Twenty-one days after an opinion of the supreme court is filed, nor thereafter while a petition for rehearing or an application for extension of time to file a petition for rehearing, filed according to these rules, is pending.

b. Twenty-one days after an order is filed that both denies a petition for rehearing and amends the original opinion.

b.c. Seventeen days after an order dismissing the appeal is filed, nor thereafter while a motion requesting that the dismissal be set aside, filed according to these rules, is pending.

## Chapter 31

### Admission to the Bar

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**Rule 31.15 Permitted practice by law students and recent graduates.**

**31.15(1)** Law students enrolled in a reputable law school as defined by rule 31.8 and Iowa Code section 602.10102 and certified to the office of professional regulation by the dean of the school to have completed satisfactorily not less than the equivalent of three semesters of the work required by the school to qualify for the J.D. or LL.B. degree, may, under the following conditions, engage in the practice of law or appear as counsel in the trial or appellate courts of this state.

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*b.* Appearance by students in matters before the Iowa Supreme Court or the Iowa Court of Appeals shall be under the direct supervision of licensed Iowa counsel who shall be personally present. A student presenting an oral argument before the supreme court or the court of appeals shall file with the clerk of the supreme court an appearance with proof of compliance with rule 31.15(1). The appearance must be filed no less than seven days prior to the argument and shall be served upon all counsel of record and parties not represented by counsel.